

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

KRISTOPHER CHAD AUBREY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:15-CV-232-C
RICHARD WEIHERT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

The United States Magistrate Judge entered Findings, Conclusions and Recommendation on July 28, 2016. No objections have been filed. The Court accepts and adopts the findings, conclusions, and recommendation of the Magistrate Judge.

It is therefore **ORDERED** that Richard Weihert's motion for judgment on the pleadings under Federal Rule of Civil Procedure 12(c) and the motion for summary judgment of Defendants Sherry Terry and Sandra Castillo are **GRANTED**.

It is further **ORDERED** that all of Plaintiff's claims, except his state law claims, are **DISMISSED** with prejudice; and Plaintiff's state law claims are **DISMISSED** without prejudice.

Judgment shall be entered accordingly.

This dismissal shall count as a qualifying dismissal under 28 U.S.C. § 1915(g) and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

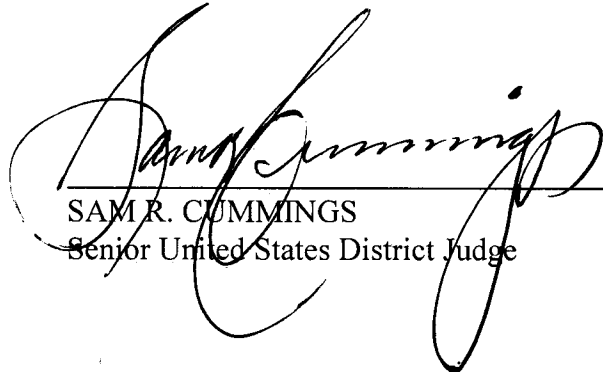
Dismissal of this action does not release Plaintiff or the institution where he is incarcerated from the obligation to pay any filing fee previously imposed. *See Williams v. Roberts*, 116 F.3d 1126, 1128 (5th Cir. 1997).

A copy of this order shall be sent to all parties appearing *pro se* by first class mail and to any attorney of record by first class mail or electronic notification.

Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 pursuant to the PLRA, and he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Any other pending motions are **DENIED**.

Dated this 23<sup>rd</sup> day of August, 2016.



SAM R. CUMMINGS  
Senior United States District Judge